TKM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Julio BAHENA-De La Cruz,** Defendant(s)	Magistrate Case No. '08 MJ 1887 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **June 18, 2008,** within the Southern District of California, defendant **Julio BAHENA-De La Cruz**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Eric LOPEZ-Lozano, Gerardo CORIA-Ruiz, Fernando ARMENTA-Vargas,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **JUNE, 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Julio BAHENA-De La Cruz

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Eric LOPEZ-Lozana, Gerardo CORIA-Ruiz, and Fernando ARMENTA-Vargas** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 18, 2008, Senior Patrol Agent R. C. Garcia and Border Patrol Agent R. Rauseo were assigned to linewatch operation duties in the vicinity of Barrett Junction, Tecate, California. Barrett Junction is located approximately five miles west of the Tecate, California Port of Entry, and approximately three miles north of the International Border between the United States and Mexico.

At approximately 3:15 AM, Senior Patrol Agent G. Hernandez, who was operating an infrared night scope, observed a group of approximately 16 individuals crossing State Route 94 walking northbound toward Barret Smith Road. Agent Garcia responded to the observation made by the scope operator and with his assistance found 16 individuals one later identified as the defendant **Julio BAHENA-De La Cruz** hiding in a creek bed. Two of the individuals ran south from where the group was hiding and after a brief search they were apprehended by Agent Rausco. Agent Garcia identified himself as a United States Border Patrol Agent and interviewed each of the subjects as to their immigration status. All 16 including the defendant admitted to being citizens and nationals of Mexico not in possession of proper immigration documents allowing them being to be in the United States legally. All 16 individuals were arrested and transported to the Brown Field Station.

DEFENDANT STATEMENT: Julio BAHENA-De La Cruz

The defendant was advised of his Miranda Rights. He stated that he understood his rights and was willing to answer any questions without a lawyer present.

The defendant admitted to being the smuggler for the group he was arrested with. He admitted to working for a smuggler based in Tijuana, Baja California, Mexico. He admitted he gets paid $500.00 per group. The defendant also stated that in this event he was going to make $3000.00 USD due to the fact that he was guiding by himself. He admits to smuggling 15 groups of illegal immigrants with 8 successful attempts. He guides the groups up to the 17 mile marker on Lyons Valley Road where they are picked up.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Eric LOPEZ-Lozano, Gerardo CORIA-Ruiz** and **Fernando ARMENTA-Vargas,** stated that they are citizens and nationals of Mexico illegally present in the United States without any immigration documents allowing them to be in the United States legally. **Gerardo CORIA-Ruiz** and **Fernando ARMENTA-Vargas,** stated that they were to pay from $1,800.00 to $2,000.00 U.S. dollars to be smuggled into the United States. The three material witnesses were shown photographic line-ups. **Eric LOPEZ-Lozano and Gerardo CORIA-Ruiz** were able to identify the defendant from a photographic lineup as the guide as the footguide.